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UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

REGION 32

PREMIER RECYCLE COMPANY,

Case No. 32-RC-291513

Employer,

and

TEAMSTERS LOCAL 853,

Petitioner.

**OFFER OF PROOF IN SUPPORT OF OBJECTIONS TO THE CONDUCT OF THE
ELECTION AND TO CONDUCT AFFECTING THE RESULTS OF THE ELECTION**

On March 2, 2022, Teamsters Local 853 (“Petitioner”) filed a petition with Region 32 of the National Labor Relations Board seeking to represent the employees of Premier Recycle Company. (“Employer”). On March 16, 2022, a Stipulated Election Agreement (“Agreement”) was executed by the parties. The Agreement called for the mailing of ballots to each employee in the petitioned-for bargaining unit on April 8, 2022. The Agreement further provided that “Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 32 office by the close of business on April 29, 2022.” Finally, the Agreement provided that these ballots were to be counted on May 2, 2022.

The ballots timely received by Region 32 were counted on May 2, 2022. The Tally of Ballots cast reflected that twenty-two (22) employees cast a ballot in the election. Two (2) employees cast their ballot for Petitioner and two (2) employees cast their ballot against the Petitioner. Eighteen (18) ballots were challenged. Petitioner challenged seven (7) ballots on the grounds that those voters were actually employed by Maverick Logistics, LLC. The Employer

challenged eleven (11) ballots on the grounds that these ballots were delivered to the Region 32 office by United Parcel Service, rather than the United States Postal Service. The Region concluded that the challenges were sufficient in number to affect the results of the election.

Pursuant to Section 102.69(a) of the National Labor Relations Board Rules and Regulations, Petitioner hereby submits a written offer of proof in support of the objections to the conduct of the election and to conduct affecting the outcome of the results of the election.

Objection No. 1: In support of this objection, Petitioner would call Alex Obeso and other workers who would testify that he received positive work evaluations issued prior to the filing of the petition and subsequent to the filing of the petition the Employer reissued revised poor work evaluations to him.

Objection No. 2: In support of this objection, Petitioner would call Alex Obeso, Donovan DePaula, Michael Flores, Ramon Castillo and other workers who would testify that they attended several captive audience meetings during which the Employer's representatives unlawfully threatened to reduce wages, eliminate work opportunities, to close down the plant, and to take other adverse steps if the Union was successful in this campaign.

Objection No. 3: In support of this objection, Petitioner would call Alex Obeso, Donovan DePaula, Michael Flores, Ramon Castillo and other workers who testify that after the petition was filed, the Employer routinely denigrated the Premier Recycle Company drivers during lunch breaks while other workers who were not in the petitioned-for unit were eating lunch. The Employer's representatives said that the Premier Recycle Company drivers were "selfish," that they were trying to force the Employer to allocate all the resources to themselves which would reduce the wages and benefits of the other workers of the Company, and similar such comments.

Objection No. 4: In support of this objection, Petitioner would call Alex Obeso who would testify that the Employer engaged in surveillance of him was seeking to gather information regarding the domicile of the truck operated by the drivers of Maverick Logistics, LLC.

Objection No. 5: In support of this objection, Petitioner would call Pablo Barrera and its election observer, Ramon Castillo, to testify that the Employer sought to interfere with the employees' entitlement to cast a ballot by submitting bad faith challenges on the day of the ballot count to timely received ballots on spurious grounds which were not set forth in the Stipulated Election Agreement between the parties.

Petitioner reserves the right to continue its own investigation to discover and produce additional witnesses in support of these objections.

Dated: May 6, 2022

BEESON, TAYER & BODINE
A Professional Corporation

/S/ Robert Bonsall
By Robert Bonsall
Attorneys for Petitioner Teamsters Local 853